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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,186	01/21/2004	Kia Silverbrook	RRA31US	2107
24011	7590	11/14/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			GARCIA JR, RENE	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,186 ,	Applicant(s) SILVERBROOK, KIA	
	Examiner Rene Garcia, Jr.	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08 November 2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 9 line 7 makes reference to silicon wafer substrate "801", perhaps mean "8015".

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 5 Lines 26-28: "the first and second portions", "said portions".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Xiao et al. (US 6,120,138).

Xiao et al. disclose the following claimed limitations:

*regarding claim 1, printing fluid/**ink, 10/** dispenser/**ink supply, 300/** including:

*housing/**300/** comprising first/**case, 310/** and second/**plunger, 330/** portions movable relative to each other (base/**310/** includes cap/**334/** which plunger/**330/** moves through) (fig. 5)

*reservoir of printing fluid/**10/** (space between piston/**320/** and inner portion of case/**310/**) responsive to relative motion of the first/**310/** and second/**330/** portions and having an

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outlet/**nozzle, 314/** arranged to convey the printing fluid/**10/** to a point external/**cartridge, 400/** to the housing/**300/** (fig. 5; col. 3, lines 26-31)

*first/**310/** and second/**330/** portions include mated feature/**shank, 332 & central hole, 338/** arranged to prevent motion of said portions relative to each other until a predetermined level of operative force is applied across said portions (fig. 5; col. 2, lines 56-67)

*regarding claim 3, first/**310/** and second/**330/** portions comprise a base/**case, 310/** and plunger/**plunger, 330/** (fig. 5)

*regarding claim 4, mated feature/**shank, 332 & central hole, 338/** comprise one or more complementary protrusions formed into opposing walls of the base/**310/** and plunger/**320/** (fig. 5)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiao et al. (US 6,120,138) in view of Yuen (US 2004/0055661)

Xiao et al. disclose the following claimed limitations:

* regarding claim 5, printing fluid/**ink, 10/** dispenser/**ink supply, 300/** including:

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* housing/**300/** including a base/**case, 310/** slidably engaging a plunger/**plunger, 330/** (base/**310/** includes cap/**334/** which plunger/**330/** moves through) (fig. 5)

*outlet/**nozzle, 314/** arranged to convey the printing fluid/**10/** to a point external/**cartridge, 400/** to the housing/**300/** (fig. 5, lines 26-31).

*first/**310/** and second/**330/** portions include mated /**shank, 332 & central hole, 338/** arranged to prevent motion of said portions relative to each other until a predetermined level of operative force is applied across said portions (fig. 5; col. 2, lines 56-67)

Xiao et al. does not disclose the following claimed limitations:

*regarding claim 2, reservoir comprises a deformable container located within the housing and wherein bringing the first and second portions towards each other causes compression of said container

*regarding claim 5, deformable container containing a full complement of print fluid

*locating the deformable container

*outlet coupled to the deformable container

Yuen disclose the following:

* regarding claim 2, reservoir comprises a deformable container/**ink pouch, 16/** (paragraph 0047 & 0048) located within the housing/**ink fill apparatus, 10/** and wherein bringing the first/**first housing member, 12/** and second/**second housing member, 14/** portions towards each other causes compression of said container/**16/** (figs. 4 & 5; paragraphs 0047 & 0048) for the purpose of permitting ink pouch to be essentially flattened to force ink into cartridge

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*regarding claim 5, deformable container/16/ containing a full complement of print fluid/ink/ (paragraph 0063) for the purpose of permitting ink pouch to be essentially flattened to force ink into ink cartridge and completely filling ink cartridge

*locating the deformable container/16/ (paragraph 0062 & 0036) for the purpose of facilitating ink flow from the compressible pouch to the container to be filled with ink

*outlet/inlet/outlet, 86/ coupled to the deformable container/16/ (figs. 4 & 11) for the purpose of forming a fluid connection between the ink pouch and ink cartridge to be refilled

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a reservoir comprises a deformable container located within the housing and wherein bringing the first and second portions towards each other causes compression of said container; deformable container containing a full complement of print fluid; locating the deformable container; and outlet coupled to the deformable container as taught by Yuen into Xiao et al. for the purposes of permitting ink pouch to be essentially flattened to force ink into cartridge; permitting ink pouch to be essentially flattened to force ink into ink cartridge and completely filling ink cartridge; facilitating ink flow from the compressible pouch to the container to be filled with ink; and forming a fluid connection between the ink pouch and ink cartridge to be refilled.

Conclusion

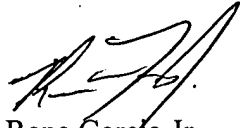
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zepeda (US 5,886,719) disclose an ink refill system including a valve resembling a needle (plunger system). Allgeier, Sr. et al. (US 5,515,663) disclose a method to refill ink into an empty ink jet printer cartridge including a syringe (plunger).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rene Garcia Jr
31 October 2005


K. PEGGINS
PRIMARY EXAMINER